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MEMO ENDORSED

File No.: 1224-1

August 12, 2022

VIA ECF ONLY

Hon. Edgardo Ramos, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

RE: Rachel Weingeist v. Tropix Media & Entertainment, et al.
Civil Action No.: 1:20-cv-00275-ER

Dear Judge Ramos:

This Firm represents Defendants/Counterclaimants/Third-Party Plaintiffs, Tropix Media & Entertainment, Tropix Holdings LLC, Tropix Inc. and Mario Baeza relative to the above-referenced action.

As Your Honor is likely aware, we are pleased to inform the Court that Waivers of Service for the Counterclaim/Third-Party Complaint on Perea & Company, LLC and Mrs. Weingeist were filed [Dkt. 106 and 107, respectively] almost immediately following our written concerns about same. The Counterclaim/Third-Party Complaint is still out for service on Pickled Punk Sublease, LLC. Given our understanding of their relationship, we have inquired of counsel for Perea & Company, LLC and Mrs. Weingeist whether they are aware of useful information for appropriate service of these pleadings.

As Your Honor has likely been advised, I am currently away on vacation with my family and there are no other attorneys at the Firm admitted to practice in the Southern District of New York. So as not to appear contumacious or to run afoul of Your Honor's deadlines or to prejudice our clients' position, I respectfully request an adjournment of the deadline to file a proposed discovery plan and the pre-motion conference scheduled for August 16, 2022 as set forth in Your Honor's directive [Dkt. 105]. Your Honor may recall that most of our clients' concern was

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appropriate service on the appearing Plaintiffs and a uniform discovery schedule, which will be unlikely, until and unless we are able to confirm good service on Pickled Punk Sublease, LLC.

To the extent the Court will carry this matter, I would respectfully request same. I was not immediately able to ask counsel for consent. Without wishing to prejudice Plaintiff's position, the docket will reveal that there are no allegations of immediate or irreparable harm. If the Court cannot adjourn the scheduled conference, I would respectfully request we be permitted to file a motion for *pro hac vice* admission on short notice.

We thank Your Honor for the Court's consideration.

Respectfully submitted,

/s/Geoffrey D. Mueller

GEOFFREY D. MUELLER

GDM/sv

Cc: Darius A. Marzec, Esq. (*via ECF*)
Clients (*via electronic mail*)

The pre-motion conference scheduled for August 16, 2022 and proposed discovery plan deadline are adjourned. The parties are instructed to file a joint status report regarding the pre-motion conference and discovery plan no later than August 19, 2022. It is SO ORDERED.


Edgardo Ramos, U.S.D.J
Dated: August 12, 2022
New York, New York